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ABSTRACT

This bibliography lists 20 books and 35 articles published since 1975 on the subject of teacher tenure. Earlier materials on the same topic appear in bibliographies 54 (October 1975) and 33 (April 1973). No entries on tenure in higher education are included. Whenever possible annotations are provided. (Author/LD)

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No. 66

TENURE

October 1978

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TENURE

This bibliography lists materials published on tenure since 1975. Earlier materials appear in Bibliographies 54 (Oct. 1975) and 33 (April 1973). No entries on tenure in higher education are included. Wherever possible annotations are provided.

Sources consulted in preparing this bibliography include Books in Print (Bowker), Canadian Books in Print (Univ. of Toronto), the Canadian Education Index (CEA), the Current Index to Journals in Education (CCM), the Directory of Education Studies in Canada (CEA), Onteris (Ont. Ministry of Education) and Resources in Education (ERIC).

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This bibliography was prepared by Ralph Beslin in the George G. Croskery Memorial Library.

Geraldine Channon Gilliss,
Director,
Research and Information
Services.

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A. Books

1. Bolmeier, Edward C. Judicial Excerpts Governing Students and Teachers. Charlottesville, Va.: The Michie Company, 1977. 334 p. ED 148 004. Not available ERIC.

   Organized to be of use as a textbook for students in school law classes as well as a reference book for school personnel and officials, this book focuses on cases having to do with the rights of students and teachers. In Part 1 attention is given to such matters as compulsory and prohibitory school attendance, authority over curricular and extracurricular activities, regulatory control over the student, and student disciplinary practices. In Part 2 attention is given to such matters as grounds for teacher dismissal, right of association, teachers' rights outside the classroom, right to strike, liability for pupil injury, and sexuality and the teacher. The judicial excerpts cover all areas of school law and include dissenting opinions.

**2. Boynton, Jason E. Termination of Teacher Employment: A Schoolman's Views and Cases. Durham: New Hampshire School Boards Association, 1976. 98 p. Available ERIC. ED 141 880.

   This monograph is intended to aid school board members and school administrators in understanding the legal requirements and implications of teacher dismissal and nonrenewal proceedings. The first section examines the legal requirements governing teacher dismissal and nonrenewal in a variety of circumstances, focusing in turn on dismissal during the term of a contract, contract nonrenewal in the first year of employment, nonrenewal in the second or third year of employment, and nonrenewal after three or more years of employment. The second section, which makes up most of the monograph, summarizes eight court cases relevant to teacher dismissal and nonrenewal.

*3. Czuboka, Michael Peter. An Examination of Tenure: The Status of Tenured Teachers in Manitoba. Brandon: Chalk-Talk Publishers, 1975. 96 p.

The author defines the nature of "teacher tenure" in Manitoba, and attempts to show how it differs, in some respects, from the features of tenure in some of the other Canadian provinces and the United States. He concludes that tenure is often misunderstood in Manitoba. He reached this conclusion from information based on the awards and decisions of the arbitration awards and the courts of Manitoba during the period 1965-1975.

4. Delon, Floyd G., ed. Yearbook of School Law, 1974. Topeka, Kansas: National Organization on Legal Problems of Education, 1974. 264 p. ED 100 009. Not available ERIC.

Chapter 4, "Teachers and Other School Employees", is of particular importance. During 1973, the broad issues characterizing the majority of court decisions concerning school employees were the constitutional and statutory rights of teachers and the relationship between these rights and the authority of the employer to act. Due process, both procedural and substantive, continues to receive extensive court consideration along with tenure disputes. This chapter reviews and discusses cases involving discrimination, dismissal and discipline, seniority, due process, compensation, leaves of absence, retirement, collective bargaining, and union activity.

**5. Ditzhazy, Helen R. The Principal and the Law: Suspensions and Reduction in Staff. Paper presented at the annual meeting of the National Association of Secondary School Principals, New Orleans, January, 1977. 12 p. Available ERIC. ED 137 987.

The first part of this paper deals with teacher suspension and dismissal as tools for correcting teacher behavior. Three cases involving teacher discipline are examined, one leading to resignation, a second to improved teacher behavior, and a third to a tenure hearing and dismissal. Part 2 of this paper examines the need to reduce staff when districts face declining enrollment, as well as disposition of school buildings and school closing.

6. Doob, Heather S. Tenure and Contracts for Administrators. Washington, DC: Educational Research Service, 1974. 69 p. ED 098 690. Not available ERIC.

Based on the results of surveys of local districts and state departments of education in 1973 and 1974, this report provides information on contracts and tenure for school administrators and supervisers. Data include local and state tenure policies and length of probationary and permanent contracts. Tables of data are included.

**7. French, Larry L. Education Law -- 1976. Norman: University of Oklahoma Law Center, 1976. 112 p. Available ERIC. MF only. ED 145 521.

This book is intended primarily for Oklahoma educators, but much of the discussion is applicable to educators throughout the country. After an introductory overview of 1975 school law issues, the author devotes chapters to such diverse topics as teachers (including such issues as dismissal, assignment, tenure, and contracts), Oklahoma State Supreme Court decisions, principals, collective bargaining, maternity leave, the legal liability of school officials, and student-related issues.

**8. French, Larry L. The SECOND School Administrators Legal Handbook. Norman: University of Oklahoma College of Law, 1975. 161 p. Available ERIC. ED 120 943.

Chapter 1, "Teacher Termination Revisited", deals with the administrator's responsibilities in teacher termination. It examines the specifics of due process, evaluation of the teacher prior to termination action, tenure, probationary periods, contractual stipulations, and state and federal court action.

**9. Gorkom, Kris Van. Statutory Requirements of Teacher Contract Laws: A Comparison of the 50 States' Continuing Contract and Teacher Tenure Laws. Olympia: Washington State Senate, 1976. 243 p. Available ERIC. ED 140 384.

This publication summarizes and compares legal provisions covering teacher tenure and contracts for each of the 50 states. The report is organized in three sections. Section 1 presents a summary comparison of the provisions of Washington's teacher contract law with corresponding statutory requirements

of the other 49 states. Section 2 identifies those states with legislation that addresses selected issues related to teacher contract laws. Section 3 summarizes teacher contract statutes on a state-by-state basis. Because the focus of the report is on statutes, those teacher contract requirements contained in administrative rules or regulations are not included. An effort was made, however, to include both statutory and regulatory requirements for each state in the subsection on "appeal procedures".

**10. The Great Debate III. Options in Education, Program #91. Washington DC: George Washington University, Institute for Educational Leadership, 1977. 23 p. Available ERIC. ED 144 238.

This publication is the complete transcript of a weekly radio program devoted to contemporary issues in American education. This particular program consists of an informal debate on various educational issues between Terry Herndon, executive director of the National Education Association (NEA), and Albert Shanker, president of the American Federation of Teachers (AFT). The debate focuses primarily on the topics of discipline problems in the schools, the use and validity of standardized achievement tests, teacher evaluation and tenure, affirmative action in education and the Bakke case, and the continuing conflict between the NEA and the AFT.

**11. Grinstead, Kenneth. The Michigan Teacher and Tenure; A Study of the Michigan Teachers' Tenure Act. Ypsilanti: Eastern Michigan University, 1972. 73 p. Available ERIC. MF only. ED 105 555.

The Michigan State Teacher Tenure Act is discussed, in the light of decisions of the Michigan Supreme and Appeals courts, and the opinions of the Attorney General. Designed to promote uniform interpretation of tenure legislation, topics deal with objectives, advantages, and disadvantages; probationary service; tenure rights; dismissal of tenured teachers; alternative legal protections; and miscellaneous provisions of the Michigan law. The complete text of the law, definitions, State Tenure Commission rules, and court opinions are appended.

**12. Jenkins, Newell N., et al. Formal Dismissal Procedures Under Illinois Teacher Tenure Laws. Revised edition. Springfield: Illinois Association of School Boards, 1977. 106 p. Available ERIC. ED 145 531.

This handbook, an updated and revised version of the 1975 original, contains the new statutory requirements, state board of education rules, and court decisions pertaining to teacher dismissal in Illinois. This handbook is designed to acquaint Illinois school administrators and school board members with the legal procedures necessary in dismissal cases, especially in those that involve complicated charges, such as failure to maintain discipline, to prepare lesson plans, and to cooperate with associates. The authors emphasize that the complex web of legal procedures involved in dismissal requires the early assistance of the school attorney. The handbook discusses the due process requirements and the conduct of dismissal hearings for both tenured and probationary teachers.

*13. Manitoba Teachers' Society. Contract and Tenure in the Public Schools of Manitoba. Winnipeg: the Society, n.d. 16 p.

A handbook which attempts to demystify the complexities of teacher contracts and the contractual system.

14. McGhehey, M.A., ed. Current Legal Issues in Education. Topeka, Kansas: National Organization on Legal Problems of Education, 1977. 223 p. ED 143 077. Not available ERIC.

Chapter 6, "Due Process for Non-Tenured Teachers " by Richard Lampshire, explores the rights of nontenured teachers in light of recent court decisions and the implications of those decisions for boards of education and administrators. The discussion is limited primarily to discussion of due process. Five generalizations can be made -- nontenured teachers enjoy only those property rights found in or implied by state statutes; all employees enjoy the same protectable liberty interests that boards may easily violate at the time of nonrenewal of nontenured teachers; when due process is required, failure to adhere to the minimum elements of a fair and proper hearing may result not only in an adverse ruling for the employer, but also in the assessment of damages; in substantive due process the courts are concerned with the facts of the case and the opportunity for the employee to present the facts from his or her point of view is essential; and any actions of the administration designed to discourage employees from using due process procedures or to prolong the proceeding may well result in an adverse decision as well as the assessment of actual and punitive damages against the administration.

**15. Munro, Robert J. The Scope of Collective Bargaining and Arbitration for Tenure of Public School Teachers: The New York Experience. 1976. 30 p. Available ERIC. ED 139 081.

This paper surveys the legal aspects of tenure and arbitration under the Taylor Law, New York State's major statute governing collective bargaining for public employees (including teachers). The law outlaws teachers' strikes, but provides three methods of dispute resolution between employees and school districts (mediation, fact-finding, and both compulsory and voluntary arbitration). The teacher unions seek to negotiate how tenure will be granted, by what criteria, and at what stage in a teacher's career, according to one of these three methods. It is the public policy of the state of New York to encourage voluntary resolution of labor disputes involving public employees through one of these forums. The author describes both the legislation and the court decisions that define the scope of bargaining and arbitration. He concludes that the legal environment in New York offers no major obstacles to negotiating aspects of tenure.

16. Piele, Philip K., ed. The Yearbook of School Law, 1976. Topeka, Kansas: National Organization on Legal Problems of Education, 1976. 335 p. ED 127 671. Not available ERIC.

Chapter 5, "Employees" by Betsy Levin, summarizes recent state supreme court and federal court decisions involving school employees. The cases discussed are generally limited to those decided during 1975 and reported in the General Digest as of March 1976. In her discussion, the author attempts to integrate related cases and to illuminate any unifying legal principles that underlie the decisions relevant to each specific subtopic involving school employees. Separate sections of the article focus in turn on cases involving discrimination in employment, school board discretion to dismiss and discipline teachers, tenure and seniority, substantive due process rights, procedural due process rights, remedies for improper board actions, leaves of absence, and teacher retirement.

17. Piele, Philip K., ed. The Yearbook of School Law, 1977. Topeka, Kansas: National Organization on Legal Problems of Education, 1977. 288 p. ED 145 553. Not available ERIC.

Chapter 6, "Employees" by Virginia D. Nordin, discusses cases involving the employment interests of teachers and other school employees. Racial and sex discrimination in hiring practices are discussed, as well as the more traditional areas of concern among teachers; including dismissal and discipline, tenure and seniority, and questions of substantive and procedural due process.

**18. Tepper, Chester E. Administrative Responsibilities in Fair Dismissal Cases. Paper presented at the annual convention of the American Association of School Administrators, Dallas, 1975. 1975. 5 p. Available ERIC. ED 104 033.

Teacher dismissal is the culmination of a total process that involves hiring, evaluation, certification, and tenure. School administrators are advised to study the law, obey timetables, consult legal counsel, avoid interpreting law, proceed carefully, document all charges, and put important decisions in writing. Favorable decisions in dismissal cases are based on well-prepared, well-documented cases built on a valid reason.

**19. Weischadle, David E. Tenure for Superintendents. Trenton: New Jersey State Dept. of Education, Task Force on Business Efficiency of the Public Schools, 1977. 18 p. Available ERIC. ED 150 675.

The information contained in this report was gathered from state departments of education and state organizations of local school administrators in 24 states. The purpose of the survey was to gather information on employment practices affecting school superintendents for the New Jersey Task Force on Business Efficiency of the Public Schools. The data are divided into three categories: states with continuing employment (employment status that ensures permanent employment, such as tenure), states with partial continuing employment, and states without continuing employment. Only two of the states surveyed (Minnesota and South Dakota) have continuing employment for school superintendents; the majority (14) have no continuing employment status for superintendents. The survey indicates that superintendent contract renewal in most states tends to reflect the interests of local boards of education.

**20. Wilson, Charles F. The Case For and Against Tenure. Paper presented at the annual meeting of the American Association of School Administrators, Dallas, February, 1975. 1975. 7 p. Available ERIC. MF only. ED 106 944.

To fulfill their basic role as instructional leaders of young people, teachers need the degree of freedom that tenure guarantees. To assure optimal educational experiences for these same young people, school directors and administrators need more effective ways than current tenure laws provide. To reconcile these

needs, state legislatures should modify their tenure laws so that each tenured professional is thoroughly evaluated every three, four or five years under a system of "cyclical, periodic, or renewable tenure". The system should feature contracts that incorporate basic accountability elements so that a built-in evaluation plan is to be used during and at the end of the contractual period. Dismissal during the contract period would require whatever tenure proceedings now exist; dismissal at the end of a contractual period would require adherence to due process only.

B. Articles

*1. Are you 'impartial' enough to fire a teacher? American School Board Journal 162:12:9-10 D'75. EJ 129 381.

Discusses the implications of a case accepted for review by the U.S. Supreme Court.

2. Arns, Robert G. Has tenure gotten out of hand? Journal of Physical Education and Recreation 46:8:36-8 O'75. EJ 136 988.

*3. Cramer, Jerome. How would your faucets work if plumbers were shielded by tenure laws? American School Board Journal 163:10:22-24 O'76. EJ 146 468.

Discusses the role of teacher tenure laws in teacher dismissals.

4. Fraser, Robert G. Grievance arbitration and the non-reappointment of non-tenured teachers: the Massachusetts experience. Labor Law Journal 28:12:763-7 D'77. EJ 171 581.

*5. Gold, Charlotte, et al. Reinstatement after termination: public school teachers. Industrial and Labour Relations Review 31:3:310-321 Ap'78.

This paper examines the experience of 35 teachers in New York State who were reinstated in their teaching positions by an arbitrator for an additional probationary period after having been denied tenure. Data were obtained concerning the grounds for denial of tenure in each case, the reasons for reinstatement, and the results of reinstatement; these findings were then compared to those of three studies of reinstatement in the private sector.

*6. Hazard, William R. Tenure laws in theory and practice. Phi Delta Kappan 56:7:451-454 Mr'75. EJ 114 164.

The teacher surplus, the economic downturn, and continuing demands for accountability have brought tenure protection increasingly under fire. After an analysis of tenure statutes in various states, the author restates the arguments favoring tenure.

*7. Job security is coming to the fore as a teacher issue. Salary and Merit -:5-6 Ja'77. EJ 154 993.

Examines the modified "no reduction in force" clause included in the three-year teachers' contract negotiated in the West Milford (N.J.) School District and discusses its possible implications for future teachers' contract negotiations.

*8. Lang, Theodore H. Teacher tenure as a management problem. Phi Delta Kappan 56:7:459-462 Mr'75. EJ 114 166.

Examines typical provisions of laws governing teacher tenure and discusses how those provisions affect the marginal duties and responsibilities of school administrators.

9. Leichner, Edward C., and Sidney Blackstone. Teacher dismissal and due process. Georgia Association of Middle School Principal's Journal 1:1:51-69 Spr'77. Available ERIC. ED 145 512.

This article addresses due process requirements in the nonrenewal and dismissal of tenured and nontenured teachers. The Georgia Fair Dismissal Law is used as a basis for discussing the grounds for teacher dismissal. Dismissal grounds discussed are 1) incompetency; 2) insubordination; 3) willful neglect of duties; 4) immorality; 5) inciting, encouraging, or counseling students to violate any valid law or school board policy; 6) reduction in staff due to loss of students or cancellation of program; 7) failure to secure and maintain necessary educational training; and 8) any other good and sufficient cause.

10. Levenson, Dorothy, and Robert R. Spillane. Know your rights! Teacher 94:3:66-70 N'76. EJ 156 552.

Firing, censorship, sexism -- understand the contracts and laws affecting teachers.

*11. Masters, W. Frank. Teacher job security under collective bargaining contracts. Phi Delta Kappan 56:7:455-458 Mr'75. EJ 114 165.

Traditionally teacher organizations have sought job security protection through tenure legislation, evaluation requirements, and other legislated protections. Now, according to the author, teachers are learning that collectively negotiated contracts often provide better job security than state legislation.

12. Mazor, Lester, et al. Can you suggest workable alternatives to the tenure system? Change 9:12:53-5 D'77. EJ 170 198.

Alternatives to the tenure system include flexible contracts, three-year contracts, a 10-year plan, the ballooning contract, the cyclic system, seven-year evaluations, and the co-op plan.

*13. McCurdy, Earle. The inquisition is alive and well and living in Newfoundland. Maclean's 89:46 D 27'76.

Recent instances in which the so-called "morals clause" has been used to dismiss teachers in Newfoundland are cited. The clause allows a board to fire any teacher who violates the moral or ethical standards established by the religious denomination under which the school board operates. Now there is a possibility that this power may be extended to all school boards in Newfoundland; making all 7700 teachers in the province, probationary or tenured, subject to dismissal on moral grounds.

*14. McDowell, S. Employment security essential. Sask Bulletin 41:3 Ap 11'75.

It is the author's contention that if Saskatchewan teachers are to develop professionally and bring daring and innovative ideas to education, they must have employment security.

15. Muniz, Arthur J. School law. NJEA Review 49:5:28 Ja'76. EJ 140 707.

To ensure minimum teaching standards in its public schools, New Jersey mandates two essential factors: certification and tenure. Article defines both terms and considers their interrelationship.

*16. Nolte, M. Chester. How to tell which teachers to keep and which to lay off. American School Board Journal 163:6:28-30 Je'76. EJ 139 362.

Judges teachers on three criteria: firmness, friendliness and fairness.

*17. O'Reilly, Robert R. Dogmatism and tenure status as determinants of resistance toward educational innovation. Journal of Experimental Education 45:1:68-70 F'76. EJ 153 009.

Examines the influence of one teacher personality variable, dogmatism, and one organizational variable, tenure status, on the resistance of teachers toward innovation.

*18. Panio, John. Tenure does not mean security. Sask Bulletin 43:3:4 O 1'76.

It is the author's contention that teachers in Saskatchewan live under a false feeling of security, when really their jobs are not secure. The present tenure laws make it all too easy to dismiss a teacher. He calls for increased pressure on the government to change the tenure laws.

*19. Perry, Ione L. Suppose we lost tenure? Educational Leadership 35:3:183-6 D'77. EJ 171 489.

Argues that tenure is necessary to protect the professional rights and freedom of classroom teachers and that the current criticism of tenure should be directed against the lack of meaningful teacher evaluation and staff development programs.

*20. Robbins, Melvyn P. Fired! The Michael Kopchuk case. Orbit 7:4:14-17 O'76, also in Ontario Ed 9:1:6-11 Ja-F'77.

An evaluation within the context of "fairness and the law" of a teacher dismissal case in Manitoba. It is the author's contention that standards of fairness as well as legal standards should be applicable in all considerations by boards of arbitration and courts of cases of teacher dismissal. When standards of fairness are not taken into consideration, abuse of tenure is encouraged and arbitrary dismissal of a teacher by his school board made all too easy.

*21. Roney, Robert K., and Irma O. Perry. Tenure laws and incompetency. NASSP Bulletin 61:406:45-50 F'77. EJ 160 385.

Despite the existence of tenure laws, it is possible to remove an incompetent tenured teacher, and administrators are advised to do no less when the welfare of children is at stake.

*22. Rosenberger, David S., and Richard A. Plimpton. Teacher incompetence and the courts. Journal of Law and Education 4:3:469-486 J1'75. EJ 122 515.

Provides the school administrator with some perceptions of the way in which courts have looked at incompetence as a reason for the removal of teachers.

23. Salary, contracts, and tenure: a research report. National Elementary Principal 55:2:9-11 N/D'75. EJ 127 662.

Results of a survey conducted by the Educational Research Service, Inc., that dealt with principals' salaries, contracts, and tenure, and with the characteristics of the membership of NAESP.

24. Saul, Peter N. Job satisfaction, performance, and tenure: a predictive study based on a model of an organization and an underutilized statistical technique. Organization and Administrative Sciences 8:4:189-206 Wtr 77/78. EJ 173 626.

25. Schramm, Leroy H. Is teacher tenure negotiable: a review of court decisions. Journal of Collective Negotiations in the Public Sector 6:3:245-257 '77. EJ 167 797.

26. Shannon, Tom. Point of law. California School Boards 34:3:21-22 Mr'75. EJ 112 472.

Discusses the role of the courts in reviewing the dismissal of a probationary teacher. Examines the principles of "substantial evidence" and "independent judgment".

*27. Sinowitz, Betty E., and Charlotte Hallam. Fighting reductions in force. Today's Education 64:2:32-34 Mr/Ap'75. EJ 131 690.

This article outlines some actions available to education associations concerning staff layoffs and notes specific attempts which have been made to minimize the impact of reductions in force.

*28. Swan, Herb. Teacher tenure proposals concern SSTA: Swan. Sask Bulletin 43:15:4 Ap 25'77.

Herb Swan, president of the Saskatchewan School Trustees Association, explains his organization's stand against the tenure proposals included in the white paper on school law tabled in 1977 in the Saskatchewan legislature.

*29. The teacher and the law: what are teacher rights? Today's Education 66:1:16-17 Ja/F'77. EJ 161 310.

Teachers should seek the help of local or state associations in questions of unfair treatment, since contitutional rights do not cease to exist when signing a teaching agreement.

30. Walden, John C. Insubordination. National Elementary Principal 54:3:72-74 Ja-F'75. EJ 112 404.

Courts will generally support the dismissal of an employee who fails to follow the legitimate orders of his or her superior or who is so verbally abusive of his superior that the school's effectiveness is impaired.

31. Why school boards can't simply fire poor teachers -- and what to do about it. Updating School Board Policies 8:10:1-6 O'77. EJ 167 819.

Outlines how boards of education can use effective policies on staff evaluation and dismissal in dealing with teacher tenure laws.

*32. Williams, Mary-Jo, and Frederick Enns. Board of reference and administration of school personnel. Canadian Administrator 16:7:1-6 Ap'77.

An examination of the Board of Reference as a quasi-judicial tribunal which deals effectively and expeditiously with teacher-school board disputes, eliminating the necessity of recourse to cumbersome formal court proceedings. The authors also review specific cases which have come before the Alberta Board of Reference, the majority of them dealing with termination of contracts and termination of designations.

33. Yeager, L. Dayle. Tenured vs. non-tenured. Man/Society/Technology 35:4:114-5 Ja'76. EJ 130 599.

Problems often exist between industrial arts teachers who are tenured and those who are relatively new to a staff of teachers.

34. Young, D. Parker, and Donald D. Gehring. Teacher employment rights and due process. Educational Horizons 54:1:52-66 F'75. EJ 144 003.

Article designed to familiarize the educator with the constitutional and statutory rights of members of the teaching profession.

35. Zirkel, Perry A. Teacher tenure in Connecticut: due process rights and "do process" responsibilities. Connecticut Law Review 8:690-714 '76. EJ 159 011.

This comment examines Connecticut case law concerning teacher tenure according to its primary bases of authority: the U.S. Constitution, Connecticut statutes, and local board of education policies and agreements.

October 25, 1978
/av

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4	Nov. 1969	Computer Uses in Instructional Programs ED 034 728		
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6	Jan. 1970	Reporting to Parents	(o/p)	
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